

North Smithfield Zoning Board of Review

July 26, 2011, 7:00 pm

Kendall Dean School

83 Green St., Slatersville, RI

The Chair called the meeting to order at 7:00 pm.

1. Roll Call

Present: Chair Stephen Kearns, Bill Juhr, Guy Denizard, Mario DiNunzio, Scott Martin. Absent: Paul Pasquariello, Steven Scarpelli. Also present were Building Official Bob Benoit, Assistant Town Solicitor Bill Savastano, and a court stenographer from Allied Court Reporters.

2. Disclosure of no compensation or pension credits received by the board members.

3. Approval of minutes of the Zoning Board Meeting of June 28, 2011.

Mr. Denizard made a motion to approve the minutes of June 28, 2011.

Mr. DiNunzio seconded the motion, with all in favor.

4. Approval of the written decision for the dimensional variance approved for DV II, LLC, for property located at 7 Dowling Village

Blvd., Plat 13, Lot 21. Zoning: RA, PS, BH.

Mr. Denizard made a motion to approve the written decision for the sign variance at Wal-Mart for DVII, LLC. Mr. DiNunzio seconded the motion. Roll call vote was as follows: YES: Mr. Kearns, Mr. Juhr, Mr. Denizard, Mr. DiNunzio, Mr. Martin. Motion passed, 5-0.

5. Application of Gas Development, LLC, requesting a dimensional variance from Section 6.17, "Sign Regulations," subsection 6.17 (6). Also section 9.3.1 and 9.3.2 (B). Locus is 35 Eddie Dowling Highway, Plat 21, Lot 67. Zoning District: BN.

The following exhibits were entered into the record for consideration on the application:

P1) Application for Certification of Zoning Compliance, July 1, 2011

P2) Application for Hearing before the Zoning Board of Review, July 1, 2011, including narrative, Zoning Board decision for Special Use Permit, recorded April 27, 2011, and minutes of Zoning Board meeting, March 22, 2011

P3) Site Plan (Layout and Materials Plan), Conor Nagle, PE, February 3, 2011

P4) Proposed Signage Plan, Agnoli Sign Company, Inc., rev. June 2, 2011

P5) 200' Radius Map, February 4, 2011

P6) Abutters List

P7) Revised Signage Plan, Agnoli Sign Company, Inc., rev. July 21,

2011

B1) Planning Memo re: Stop & Shop sign variance, Town Planner Robert Ericson, AICP, July 22, 2011

The Board discussed the change of ownership from the time of the original application, which was submitted when Mars Realty was still the property owner. The property was acquired by the applicant, Gas Development, LLC and this change in ownership was recorded with the Town on July 1, 2011. The Board wanted to be sure that all exhibits accurately reflected the current owner and also asked that proof of the change of ownership be submitted. Mr. Benoit attested that the change of ownership has been recorded. Mr. Savastano stated that submittal of the deed could be set as a condition to approval.

Attorney Elizabeth Noonan was present for the applicant. She submitted P7 to the Board to use in place of P4. The revised plan reflects a slight reduction in signage. The "Everyday Low Price" sign has been removed and the height of the sign was reduced to 5'1". The overall height of the free-standing sign remains the same. The overall square footage of the sign was reduced to 32.5 sq. ft. from 33 sq. ft. She asked that the Board amend the application to reflect the changes in the plan.

Ms. Noonan gave the Board a brief history of the project and the

present variance request. The Zoning Board granted a Special Use Permit for the project in March. The building meets all dimensional requirements, except for the proposed signage. The applicant is proposing signage on the north side of the canopy and a free-standing sign. She stated that the signs conform to industry standards and will not look out of place in the neighborhood, which is zoned BN (Neighborhood Business). The height will discourage vandalism and also serves as a directional sign. The sign will not be an impediment to traffic.

Mr. Denizard asked why only two prices were shown on the sign when most gas stations offer three grades of gasoline. Donald Agnoli of Agnoli Sign Company was sworn in by the court stenographer. He stated that though three grades of fuel will be sold, the sign will only advertise the regular and premium grades. There will only be two prices shown on the sign and this will not change in the future. He also responded to Mr. Denizard's question about sign lighting by saying that the letters are not illuminated and the lighting of the signs complies with town regulations.

The Chair asked if there are any other free-standing signs in the area. Mr. Benoit stated that Subway, CVS, and the liquor store all have free-standing signs. The Chair stated that he did not feel that the applicant's request was excessive and that it fit with the commercial area in which it will be located.

The Chair opened the meeting to the public, but there was no one present to speak for or against the application. The public meeting was closed at 7:33 pm.

Mr. DiNunzio made a motion to approve the application of Gas Development, LLC, requesting a dimensional variance from Section 6.17, "Sign Regulations," subsection 6.17 (6). Also section 9.3.1 and 9.3.2 (B). Locus is 35 Eddie Dowling Highway, Plat 21, Lot 67. Zoning District: BN., as indicated on the sign plan entered as exhibit P7, with the understanding that the deed of conveyance of the property to the new owners has been recorded. Mr. Martin seconded the motion. Roll call vote was as follows: YES: Mr. Kearns, Mr. Jühr, Mr. Denizard, Mr. DiNunzio, Mr. Martin. Motion passed, 5-0.

Mr. Jühr made a motion to adjourn at 7:35 pm. Mr. DiNunzio seconded the motion, with all in favor.